

Montana Fish, Wildlife and Parks
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ENVIRONMENTAL ASSESSMENT CHECKLIST

PART 1. PROPOSED ACTION DESCRIPTION

Project Title: Sport fish enhancement at Spotted Eagle Reservoir.

Application Date: 5/21/12

Name, Address and Phone Number: Caleb Bollman

P.O. Box 1630

Miles City, MT 59301

Project Location: Spotted Eagle reservoir is located in the town of Miles City off of Garryowen road. The reservoir and surrounding property is owned by the City of Miles City. Spotted Eagle receives its water from the Fish, Wildlife & Parks state fish hatchery in Miles City which pumps water from the Yellowstone River and its spillway drains to the Tongue River. The City of Miles City and the Miles City Chapter of Walleyes Unlimited of Montana have invested time and money into making the property and reservoir a quality recreational opportunity for the local community and surrounding region. Fish, Wildlife & Parks Miles City hatchery and fish crew stock and monitor the fish assemblage in Spotted Eagle Reservoir.

Description of Project:

Tongue and Yellowstone River flood flows in the spring of 2012 caused water to back up the short ditch between the Tongue River and Spotted Eagle Reservoir spillway allowing non-game river species of fish common to the Tongue and Yellowstone Rivers to colonize the reservoir. It is the goal of Fish, Wildlife & Parks to manage Spotted Eagle as a sport fishing opportunity for the local community and surrounding region. Largemouth bass, northern pike, walleye, channel catfish, bluegill, crappie, and yellow perch have all been stocked or transferred to Spotted Eagle over the years to provide angling opportunity. Common carp, river carpsucker, goldeye, shorthead redhorse sucker, white sucker, longnose sucker, bullheads, bigmouth and smallmouth buffalo are non-target fish species that are present in Spotted Eagle Reservoir. These non-target fish are competing with target sport fish in the reservoir for nutrients and habitat that are already limited and exacerbate the problems of slow growth and survival that currently exist for many of

the target sport fish species in Spotted Eagle.

Region 7 fisheries staff proposes several activities or projects to enhance the sport fishing opportunity in Spotted Eagle Reservoir including

- 1) Mechanical removal (gillnetting and disposal) of non-target fish from Spotted Eagle Reservoir
- 2) Wild Fish Transfer of yellow perch from Johnson Reservoir to Spotted Eagle Reservoir
- 3) Construction of a fish barrier in the Spotted Eagle spillway ditch that would prevent non-target fish from recolonizing the reservoir under all but extreme flood flows.
- 4) Construction of sandstone rock fingers to extend from the shoreline into the reservoir providing fish habitat and bank fishing opportunity to deeper water.
- 5) Construction of control structure in inflow channel to divert high turbidity water and sediment into cattail slough instead of Spotted Eagle Reservoir. This should prevent sedimentation, retain reservoir water depth (essential for fish overwinter survival) and alleviate localized shoreline erosion that the City has observed on southeast corner of reservoir.

Other groups or agencies contacted or which may have overlapping jurisdiction:

Miles City Walleyes Unlimited – Dennis Schroeder

City of Miles City – Bill Ronning

BLM – Miles City Field Office – Jake Chaffin, Fisheries Biologist

PART 2. ENVIRONMENTAL REVIEW

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Unique, endangered, fragile, or limited environmental resources				X		
2. Terrestrial or aquatic life and/or habitats		X				X
3. Introduction of new species into an area				X		
4. Vegetation cover, quantity and quality		X				X
5. Water quality, quantity and distribution (surface or groundwater)		X				X
6. Existing water right or reservation				X		
7. Geology and soil quality, stability and moisture				X		
8. Air quality or objectionable odors				X		
9. Historical and archaeological sites				X		
10. Demands on environmental resources of land, water, air & energy				X		
11. Aesthetics		X				X

Comments

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided.)

If successful the line item projects outlined in this EA for sport fish enhancement at Spotted Eagle Reservoir will cause a significant improvement to water quality, angling for sport fish, enhanced conditions for growth of desirable levels of aquatic vegetation and in doing so have the potential to significantly improve the aesthetic value of Spotted Eagle as a recreational fishing location. Mechanical removal of non-target fish and installation of a fish barrier will potentially have a significant positive impact on survival and growth of target sport fish. Reduction of sediment load at inflow potentially will improve water quality, reduce reservoir filling from sediment, and allow more sunlight to penetrate near shore waters resulting in aquatic growth that provides habitat and holding cover for fish that should improve bank fishing and provide more fish caught at Kids Fishing Days.

Table 2. Potential impacts on human environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Social structures and cultural diversity				X		
2. Changes in existing public benefits provided by wildlife populations and/or habitat		X				X
3. Local and state tax base and tax revenue				X		
4. Agricultural production				X		
5. Human health				X		
6. Quantity and distribution of community and personal income				X		
7. Access to and quality of recreational activities		X				X
8. Locally adopted environmental plans & goals (ordinances)				X		
9. Distribution and density of population and housing				X		
10. Demands for government services				X		
11. Industrial and/or commercial activity				X		

Comments

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided as comments.)

The proposed projects at Spotted Eagle Reservoir will provide improved sport fishing opportunity. The proposed management action has the potential to create more public benefit as a quality recreational fishery than currently exists.

Does the proposed action involve potential risks or adverse effects which are uncertain but extremely harmful if they were to occur?

No significant risks are currently known.

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?

Risks as described in this question are not anticipated.

Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action when alternatives are reasonably available and prudent to consider. Include a discussion of how the alternatives would be implemented:

No action

Follow through with one or more of the five projects

Follow through with all five projects

Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

This section provides an analysis of impacts to private property by proposed restrictions or stipulations in this EA as required under 75-1-201, MCA, and the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The analysis provided in this EA is conducted in accordance with implementation guidance issued by the Montana Legislative Services Division (EQC, 1996). A completed checklist designed to assist state agencies in identifying and evaluating proposed agency actions, such as imposed stipulations, that may result in the taking or damaging of private property, is included in Appendix A.

Individuals or groups contributing to, or commenting on, this EA:

Walleyes Unlimited, Miles City, MT
City of Miles City
Bureau of Land Management Miles City, MT

EA prepared by and comment to:

Caleb Bollman
Fisheries Biologist – Region 7
P.O. Box 1630
Miles City, MT 59301

Date Completed:

May 21, 2012

Comment by:

June 4, 2012

APPENDIX A

PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

YES	NO	
_____	<u>x</u>	1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
_____	<u>x</u> _____	2. Does the action result in either a permanent or indefinite physical occupation of private property?
_____	<u>x</u> _____	3. Does the action deprive the owner of all economically viable uses of the property?
_____	<u>x</u> _____	4. Does the action deny a fundamental attribute of ownership?
_____	<u>x</u> _____	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is NO , skip questions 5a and 5b and continue with question 6.]
_____	_____	5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
_____	_____	5b. Is the government requirement roughly proportional to the impact

of the proposed use of the property?

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|-------|---------|---|
| _____ | x _____ | 6. Does the action have a severe impact on the value of the property? |
| _____ | x _____ | 7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is NO , do not answer questions 7a-7c.] |
| _____ | x _____ | 7a. Is the impact of government action direct, peculiar, and significant? |
| _____ | x _____ | 7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded? |
| _____ | x _____ | 7c. Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question? |

Taking or damaging implications exist if **YES** is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.